

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-60078-CR-RUIZ/STRAUSS(s)(s)

UNITED STATES OF AMERICA

vs.

ANDY TOVAR,  
a/k/a "Fearless,"  
WILSON TIRADO-SILVA  
a/k/a "Sombra,"  
MELVIN DAVID CRUZ-ORTIZ,  
a/k/a "Bigfoot,"  
KEVIN RICARDO GAMEZ-MELENDEZ,  
a/k/a "Ardilla,"  
MIGUEL ANGEL CABRERA-GRANADOS,  
a/k/a "Mariachi," and  
WILBER VIGIL-BENITEZ,  
a/k/a "Solitario,"

Defendants.

/

**NOTICE THAT THE UNITED STATES DOES NOT INTEND TO SEEK THE DEATH PENALTY**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and hereby provides notice to the Court that the government will NOT SEEK the death penalty against the above-named defendants in this case, and states as follows:

1. On or about March 12, 2024, a federal grand jury in Miami, Florida returned a four count Second Superseding Indictment in this case. All of the above-named defendants were charged in at least one of the four counts with Murder in Aid of Racketeering, in violation of Title 18, United Stats Code, Sections 1959 and 2, which is an offense that is eligible for the death penalty. (DE: 169). The Court initially set the deadline for the defendants to submit mitigation packages and the government to file its decision to seek or not seek the death penalty, but as more defendants were arrested or indicted, those dates were reset. On May 23, 2024, the Court reset

the deadline for the government to announce whether to seek or not seek the death penalty by May 29, 2024, and the defendants' deadline to submit mitigation packages to the government for evaluation by May 31, 2024. (DE: 193).

2. The Department of Justice has decided NOT TO SEEK the death penalty for Defendant Andy Tovar, Defendant Wilson Tirado-Silva, Defendant Melvin David Cruz-Ortiz, Defendant Kevin Ricardo Gamez-Melendez, Defendant Miguel Angel Cabrera-Granados, and Defendant Wilber Vigil-Benitez for the counts charged in the Second Superseding Indictment. The decision NOT TO SEEK the death penalty was communicated to counsel for all defendants on May 28, 2024.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By: /s/ Brian Dobbins  
Brian Dobbins  
Assistant United States Attorney  
Court ID No. A5501182  
99 Northeast 4th Street, 5th Floor  
Miami, Florida 33132  
T. (305) 961-9304  
[Brian.Dobbins@usdoj.gov](mailto:Brian.Dobbins@usdoj.gov)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 28, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

*/s/ Brian Dobbins* \_\_\_\_\_

Brian Dobbins  
Assistant United States Attorney